

INFORMATION SHEET FOR REZONING REQUESTS

Application # 218-15 DATE OF READING 6-19-18

REZONE FROM A-1 and C-G TO CH Highway Commercial

APPLICANT JUAN Jesus Lemus Garcia

OWNER _____

LOCATION OF PROPERTY 1407 and 1409 Highway 41 N.

Calhoun

DESCRIPTION OF PROPERTY

.812 ACRES

THIS REQUEST COMES TO THE BOARD OF COMMISSIONERS FROM THE PLANNING COMMISSION WITH THEIR RECOMMENDATIONS FOR:

1. Approval

STIPULATIONS:

REZONING APPLICATION #Z18-15, JUAN JESUS LEMUS GARCIA

Chairman Rule read rezoning application #Z18-15, Juan Jesus Lemus Garcia, requesting to rezone a .812 acre tract located at 1407 and 1409 US Hwy. 41 North, Calhoun from A-1 and C-G to CH. Mr. Garcia, along with Brenda Jaramillo, represented the request explaining that this property had been subdivided in 1994, .58 acres was rezoned to C-G for a used car lot and the remaining .23 acres, with an existing house remained zoned A-1. Now he would like to combine the two lots, remove the house and build a garage for a vehicle repair business. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-15 be approved.

Eddie Smith made the motion to approve the rezoning application identified as #Z18-15 from A-1 and C-G to CH. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V18-10 & REZONING APPLICATION #Z18-16, OWR, LLC

Chairman Rule read variance application #V18-10 and rezoning application #Z18-16, OWR, LLC on a 23.88 acre tract located on US Hwy. 41 South, Calhoun. John Robbins, a local attorney, represented the request stating that the variance request is to reduce the buffer strip from 250 feet to 20 feet on side and rear and 40 feet from right-of-way for I-2 zoning which is the rezoning request to rezone from A-1 to I-2 to build an industrial building to sale or lease. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V18-10 to reduce the buffer strip as requested and the rezoning request identified as Application #Z18-16 to rezone from A-1 to I-2, both be approved.

On variance application #V18-10, Jerry Lovelace made the motion to approve the variance as requested to reduce the county buffer requirements from 250 feet down to 20 feet on the sides and rear of property and 40 feet on the front of Highway 41. Nathan Serritt seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On rezoning application #Z18-16, Eddie Smith made the motion to approve the rezoning request from A-1 to I-2. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

Cover Sheet
Proposal for Land Use Action

Application Number: 218-15 Present Zoning: A-1 & CG Proposed Zoning: CH

Date of Planning Commission Meeting: June 11, 2018

Date of Board of Commissioners' Meeting: June 19, 2018

Applicant: Juan Jesus Lemus Garcia

Property Owner: (if different from applicant) _____

Property Address: ¹⁴⁰⁷³1409 Hwy 41 N

Said Property having a frontage of Corner lot feet and containing 0.812 acres.

Future Development Map Classification: Hwy 41 North Corridor

Current Zoning Map Classification: A1, Agricultural & CG, General Commercial

Proposed Action: To rezone property for a vehicle repair shop.

#0117

Reason for Proposed Action: Property had been rezoned on 12/20/94 to General Commercial for a used car lot, property was subdivided at that time leaving the existing house on

0.23 acres and the business on 0.58 acre. If rezoned will remove house and would build a garage.

Directions to Property: Hwy 41 N to 1409, corner of

Hwy 41 N and Eastview Dr.

**Planning Staff Report
To the
Gordon County Planning Commission**

Rezoning Proposal

Date of Report: May 25, 2018

Application # Z18-15

Applicant/Property Owner: Juan Jesus Lemus Garcia

Location of Property: 1407 & 1409 US Hwy 41 North, Calhoun GA 30701

Property Frontage: Corner Lot Lot Feet Tract Size: 0.812 acres

Proposed Action: Rezone from A-1, Agricultural District (0.23 acre) and C-G, General Commercial (0.58 acre) to C-H, Highway Commercial

Reasons for Proposed Action: A portion of the property, 0.58 acre, had been rezoned on 12/20/94, #117, to General Commercial for a used car lot, the property was subdivided leaving the existing house on 0.23 acre. I would like to rezone the entire property for a vehicle repair shop and remove the existing house.

Future Development Map Classification: Hwy 41North Corridor

Departmental Reviews

It shall be understood that the following Departmental Review requirements, if any, shall be satisfied by the Applicant in addition to all standard County zoning, building, and development codes prior to the issuance of any land disturbance permit, building permit and/or certificate of occupancy, as deemed applicable by the County building official relating to the subject proposal if said proposal is approved by the Gordon County governing authority.

- * **Environmental Health Services:** No septic permits found in records for either 1407 or 1409. Building a garage will require an existing evaluation from my office.
- **Building Department:** N/A
- * **Fire Department:** O.K.
- * **GA. Dept. DOT**
~~Gordon County School System:~~ There is an existing commercial drive on the State Route, no additional drive will be allowed. If additional drive is needed, access must be from County Road. Also, no signs shall be placed on GDOT right of way. If there are any changes to drainage, we will need a Hydrology Study
- * **Road Department:** Driveway off Eastview Drive must be approved by Public Works Dept.
- * **Georgia Dept. of Transportation:** ~~N/A~~
- * **Water & Sewer (City of Calhoun):** This property is served by an 8" water line. No City sewer service in this area.
- * **Zoning Division:** A Notice of Public Hearing has been properly advertised in the local newspaper, zoning application fees have been paid and Applicant has been advised to post a Notice of Pubic Hearing on the subject property.

Planning Staff Findings & Recommendations

The following standards from Section 10.03.0212.6 of the Gordon County Unified Land Development Code (ULDC), in addition to the Departmental Reviews above, have been considered in the findings and recommendations of the planning staff:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Subject property is surrounded by agricultural property used for residential uses, commercial immediately to the south, with some commercial and light industrial in the vicinity.

2. Whether the proposed zoning will adversely affect the existing use of usability of adjacent or nearby property.

The proposed zoning will not adversely affect the existing use of usability of adjacent or nearby property.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject property cannot be further developed as currently zoned because the existing house is not in compliance with the ULDC with the minimal acreage and you cannot build a vehicle repair shop in the current zoning.

4. Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed zoning may generate additional vehicular traffic and may impede on traffic flow.

5. Whether the zoning proposal is in conformity with the policy and intent of the Future Development Map and Comprehensive Plan.

The subject property is classified as Highway 41 North Corridor on the Gordon County Future Development Map. This classification includes a mix of commercial and industrial uses, as well as large-lot residential uses that front the highway. Primary land uses are Commercial (non-"big box") and limited light industrial.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproved of the zoning proposal.

The proposed zoning is compatible with our Future Land Development Map.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z18-15 is recommended for approval.

This report is a part of the official record of the subject application

5.1.16 Highway 41 North Corridor

Highway 41 North is somewhat reminiscent of Dixie Highway south of downtown in that it is five lanes, however its uses and character differ. The corridor includes a mix of commercial and industrial uses, as well as large-lot residential uses that front the highway. Interstate-oriented uses such as motels and fast food restaurants are located around the I-75 interchange. This interstate access also positions the area to develop at a higher intensity.

Development Pattern

The development pattern should seek to:

- Enhance City gateway around I-75 interchange
- Encourage development that transitions the area to a commercial corridor
- Depict clear physical boundaries and transitions between the highway and adjacent residential uses
- Incorporate access management techniques into site design, including shared driveways and interparcel access
- Adopt landscaping and site design standards to enhance overall appearance of a site, reduce impervious surfaces, and better integrate stormwater treatment
- Redevelop or revitalize hotel sites
- Limit signs and billboards
- Limit clearing and grading

Primary Land Uses

- Commercial (non-"big box")
- Limited light industrial

5.1.17 Highway 41 South Corridor

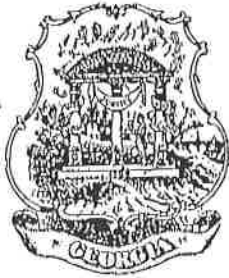
Unlike the Highway 41 North Corridor, this character area is a more fully developed commercial corridor. Commercial uses include strip development as well as stand-alone commercial uses on lots that are typically smaller than those on the northern portion of the corridor. Both character areas are five lanes, though the southern portion experiences more interruptions in traffic flow due to the numerous curb cuts that serve existing businesses. The corridor can also be described as having a character that is "between" the traditional, smaller scale Dixie Highway Corridor and the more intensive Highway 53 Corridor to the south.

Development Pattern

The development pattern should seek to:

- Accommodate local vs. regional-serving commercial uses
- Preserve/improve traffic flow, utilizing access management techniques such as interparcel access and driveway consolidation
- Strengthen pedestrian connections to adjacent residential areas
- Provide standards for signage, building placement and parking to enhance the overall corridor, create an identity that is distinct from Highway 53, and contribute to a more pedestrian-scale environment
- Coordinate land use planning with bike, pedestrian and transit opportunities
- Better integrate stormwater treatment and reduce impervious surface in site planning and design





STATE OF GEORGIA,

GORDON County.

THIS INDENTURE, made this 11th day of October

In the year of our Lord One Thousand Nine Hundred and Ninety-three

between ALTON DEFOOR of the State of Georgia and County of Gordon of the first part and STANLEY SIMPSON and BILL WALRAVEN of the State of Georgia and County of Gordon of the second part

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) and other valuable considerations----- DOLLARS

In hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged he \$ granted, bargained, sold and conveyed and by these presents do \$ grant, bargain, sell and convey unto the said part, ies of the second part, their heirs and assigns, all that tract or

parcel of land lying and being in the 14th District and 3rd Section of Gordon County, Georgia, and being part of Land Lot No. 219 thereof, and being more particularly described by a plat prepared by Freeman & Lambert, Surveyors, for Bill Walraven and Stanley Simpson, dated October 6, 1993, and said plat is recorded in Plat Book 28, page 188, Gordon County, Georgia Public Records and reference is hereby made to said plat and record thereof for a full and complete description of the property herein conveyed.

Gordon County, Georgia Real Estate Transfer Tax

Paid \$ 10.00 Date 10-26-93

Lewis Couch, Clerk of Superior Court

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of them the said part ies of the second part, their heirs and assigns forever, IN FEE SIMPLE.

And the said party of the first part, for himself, his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part ies of the second part, their heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part he \$ hereunto set his hand and affixed his seal, the day and year above written.

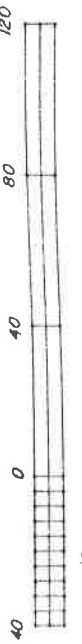
Signed, sealed and delivered in the presence of

Nancy Morris Witness N.P. SEAL AFFIXED

Alton Defoor (Seal) ALTON DEFOOR (Seal)

FILED & REC'D 10-26-93 LEWIS COUCH, CSG (Seal)

Notary Public My Commission Expires 10-22-95

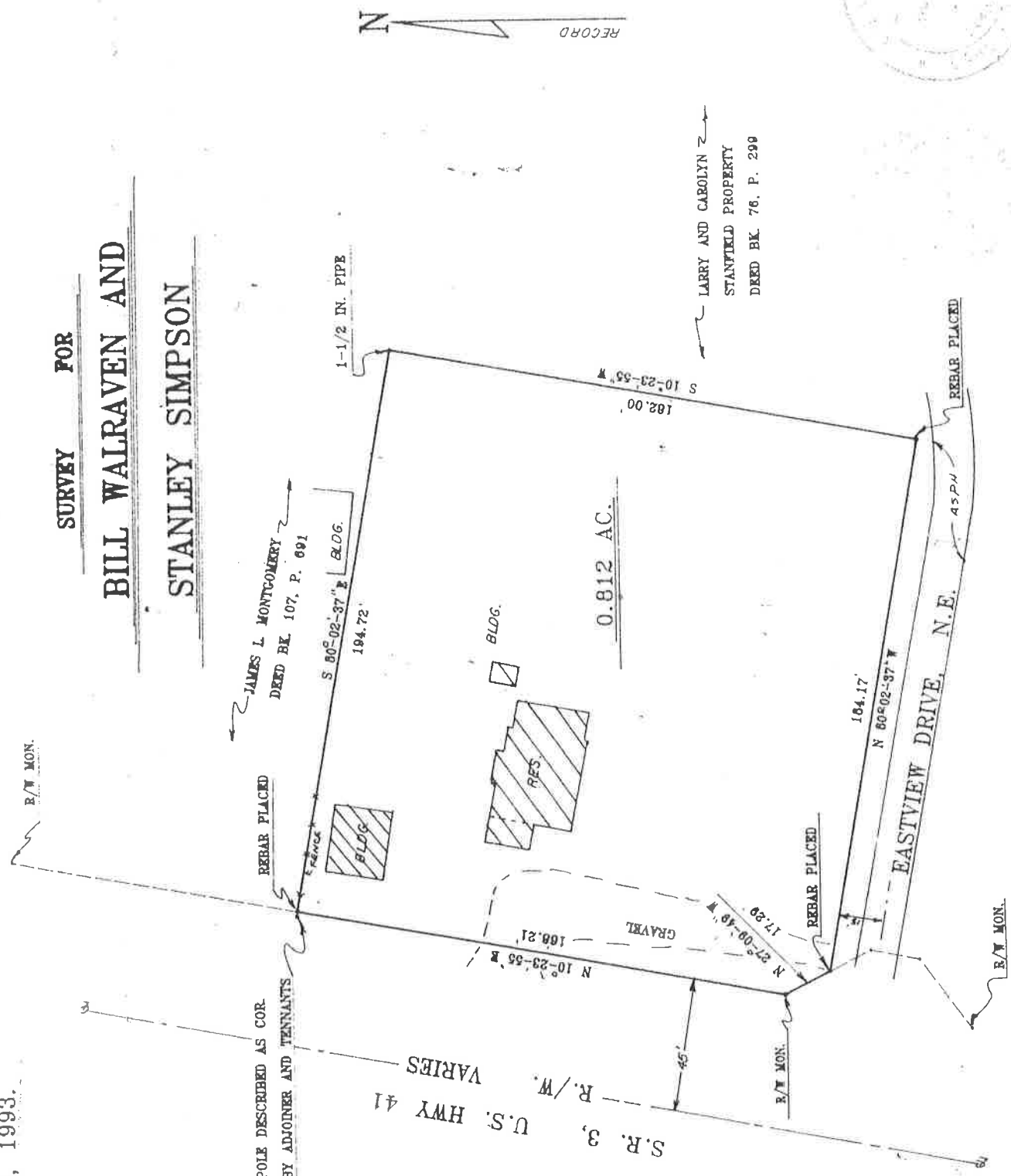


GRAPHIC SCALE - 1IN. = 40FT.

DATE: OCTOBER 6, 1993.

SURVEY FOR
BILL WALRAVEN AND
STANLEY SIMPSON

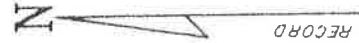
150074 00508



POLE DESCRIBED AS COR.
 BY ADJOINER AND TENNANTS

JAMES L. MONTGOMERY
 DEED BK. 107, P. 691

LARRY AND CAROLYN
 STANFIELD PROPERTY
 DEED BK. 76, P. 299



Carl L. ...

S.R. 3,
 R/W,
 U.S. HWY 41

LOCATED IN LAND LOT 96,

Filed 01/11/93

218-15

Recorded 12/19/2016 2:30
Doc: ESTD Rcpt#: 316771
TRANSFER TAX: 46.00
TRANSFER TAX ID: 0642016002246
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2046 Pg: 378

Return Recorded Document to:
Drumlow, Corwin & Delashmit, P.C.
1287 Curtis Parkway SE
Calhoun, GA 30703
File #1216G376

STATE OF GEORGIA
COUNTY OF GORDON

EXECUTOR'S DEED

This Indenture made this 9th day of December, 2016 between **Ronnie Muse as Executor of the Estate of Hershel Junior Muse**, late of the State of Georgia, and County of Gordon, per the Last Will and Testament, duly probated in Solemn Form and recorded in Probate Court of Gordon County, Georgia, Estate # **2015-7838**, as party or parties of the first part, hereinafter called Grantor, and **Juan Jesus Lemus Garcia**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That the Grantor, acting under and by virtue of the power and authority contained in said will, have granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee the following:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 96 of the 14th District and 3rd Section of Gordon County, Georgia; and being 0.812 acres as per plat recorded in Plat Book 28, Page 188, Gordon County, Georgia Records, which plat by reference is incorporated herein and made a part hereof.

This deed is executed by the authority granted to the executor in the Last Will and Testament of Hershel Junior Muse, filed in the Probate Court of Gordon County, September 4, 2015.

This Deed is given subject to all easements and restrictions of record, if any.

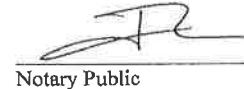
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said deceased.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:


Witness


Ronnie Muse as Executor of the Estate of Hershel Junior Muse


Notary Public



DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # 218-15 Garcia A-13CG to CH

Date: 5/24/18

Reviewed by: Christy Blair

Environmental Health

Comments, recommendations, or any condition of approval to serve proposed rezoning or variance with Environmental Health:

No septic permits found in records for either 1407 or 1409. Building a garage will require an existing evaluation from my office.

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # 218-15 A-13CG to CH Garcia

Date: 5/18/18

Reviewed by: JOEY JORDAN

FIRE DEPARTMENT

Comments, recommendation, or any condition of approval to serve proposed rezoning or variance with Fire Department services:

O.K.



5/18/18

DEPARTMENT REVIEW – STATE DEPARTMENT OF
TRANSPORTATION

Application # Z18-15 Garcia A1 to CH

Date: _____

Reviewed by: Emma Mejia

State Department of Transportation

Comments, recommendations, or any condition of approval to serve proposed rezoning or variance with State Department of Transportation:

There is an existing commercial drive on the State Route, no additional drive will be allowed. If additional drive is needed, access must be from County Road. Also, no signs shall be install on GDOT right of way. If there are any changes to drainage, we will need a Hydrology Study.

DEPARTMENTAL REVIEW - ROAD DEPARTMENT

Application # 218-15 Garcia ALBCG to CH

Date: _____

Reviewed by: _____

ROAD DEPARTMENT

Comments, recommendation, or any condition of approval to serve proposed rezoning or variance with Road Department services:

Driveway off Eastview Dr.
must be approved by
Public Works Dept.

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z18-15
APPLICATION NAME Juan Garcia
TYPE OF ZONING: A-1 & CG to CH
DATE: 5/24/2018
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by an 8" water line.

SEWER COMMENTS:

No City sewer service in this area.

THE INFORMATION IN THIS REPORT WAS OBTAINED USING MAPS AND RECORDS THAT MAY NOT BE ENTIRELY ACCURATE. THIS INFORMATION CANNOT BE CONSIDERED ACCURATE UNTIL A FEILD SURVEY HAS BEEN COMPLETED.